

Presentation at the First Plenary Meeting
of the Advisory Committee on Acoustic
Impacts on Marine Mammals

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author(s) and does not reflect the view of the
Marine Mammal Commission or the Advisory
Committee on Acoustic Impacts on Marine
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Role and Responsibility of State Agencies



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State Law

California:

- **State Lands Commission**
- **California Coastal Commission**
- **Department of Fish & Game**

California State Lands Commission

- Owner of tide and submerged lands, usually out to three miles
- Issues leases and permits within or over tidal and submerged lands

Department of Fish & Game

- Regulates use of explosives
- Office of Oil Spill Prevention and Response: deals with rules and regulations pertaining to oil spills
- Designates and manages Marine Protected Areas

California Coastal Commission

Regulates uses under coastal development permits

California Coastal Act

Requires protection of marine resources, sensitive habitat,
commercial and recreational fishing, general recreation

Administers California Coastal Management Program under CZMA

Example of State Permit for Private Development

1997 Mobil Oil Company Pier and Wharf Decommission

Location: Ventura

Required a coastal development permit

Involved use of explosives

Issue of concern-noise impacts to marine mammals

Granted permit with conditions-marine mammals monitoring and avoidance

Federal Law

Coastal Zone Management Act

- Federally Approved CZMP allows states to review Federal activities
- Activities and projects do not have to be in State's Coastal Zone
- Consistency Determination: Applies to Federal activities
- Consistency Certification: Applies to Federally permitted and supported activities

Consistency Determination

- Federal activity must be consistent to the maximum extent possible with State's CMP
- Federal agencies can proceed if State objects
- Conflicts mediated by Secretary of Commerce

Consistency Certification

- Applies to Federally permitted and supported activities
- Must be fully consistent with State's CMP
- State agency objections are appealable to the Secretary of Commerce

Coastal Zone Management Program

- 34 States and Territories have Federally approved CZM programs
- California: CZMP is the California Coastal Act

Examples of Consistency reviews dealing with impacts to marine mammals

ATOC-consistency certification and coastal development permit-issue: noise impacts

Military Activities:

LFA- consistency determination- issue: noise impacts

Marine landing exercises in Monterey Bay- consistency determination- issue: direct impacts to sea otters

NMFS Pulsed Power tests: consistency determination-issue: noise impacts

USGS Seismic Surveys: consistency determination- issue noise impacts

Oil and Gas Activities:

Seismic Surveys: consistency certification-issue: noise impacts

Leases: consistency determination-issue: various including oil spill impacts

Others: Use of Explosives, pile driving for bridges & piers, shoreline construction or demolition, research

Use of scientific information:

- CCC does not develop scientific information or engage in research
- Staff uses best available science for staff reports
- Commission uses science as basis for decision

Issues for future

- Lack of funds**
- Lack of adequate science**
- Lack of integration of policy and science**
- Concerns over nature of scientific studies**